

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

KEVIN ETHERIDGE,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:09-0067
)	Judge Trauger
LYLE HELTON, Sheriff, and)	Magistrate Judge Knowles
TERESA MADDOX,)	
)	
Defendants.)	

ORDER


On April 16, 2010, the Magistrate Judge issued a Report and Recommendation (Docket No. 14), to which the defendants have filed a “Response” (Docket No. 16). This document is not really an objection to the Report and Recommendation, which recommends the denial of the defendants’ Motion to Dismiss For Failure to Exhaust Administrative Remedies. Instead, it is a request for additional time within which to supplement the Motion to Dismiss with appropriate affidavits.

It is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the defendant’s Motion to Dismiss For Failure to Exhaust Administrative Remedies (Docket No. 9) is **DENIED WITHOUT PREJUDICE** to being renewed by the defendants when they can properly support the motion with affidavits, which, of course, will convert the motion into one for summary judgment.

This case is **RETURNED** to the Magistrate Judge for further handling under the original referral Order.

It is so **ORDERED**.

ENTER this 12th day of May 2010.



ALETA A. TRAUGER
U.S. District Judge